Bollard Advertising and Alcohol

What is "bollard advertising?"

Bollards are the low height barriers, often shaped like small pillars, separating motor vehicles from people or vulnerable structures. Bollards prevent motor vehicles from crashing into gas pumps or electrical equipment and from entering pedestrian areas.

This is a bollard:

This is bollard advertising:

As you can see, bollards place advertisements at a child's eye level, making them inappropriate locations for alcohol advertising.

Eliminating alcohol advertisements from bollards reduces youth exposure to alcohol advertising in your community.

Government restrictions on alcohol advertising on bollards would be an unconstitutional violation of free speech. *A retailer may voluntarily agree not to advertise alcohol on bollards, but voluntary agreements are not enforceable.*

Does your municipality regulate temporary commercial signage, such as bollard signs?

Determine if your municipal sign code covers temporary commercial signs. The building inspector or clerk will be able to direct you to the sign code. Many local ordinances are online. Start on your municipal website.

Most communities fall into one of these categories:

- Some municipal sign codes **prohibit** bollard or temporary signs in parking lots or outside a building.
- Some municipal sign codes treat bollard covers with advertising as “temporary signs” and **limit their quantity or frequency of use.**
- Some municipalities have **no restrictions** on bollard advertising.
- Some municipalities and unincorporated areas **do not have a sign code.**

If your community regulates bollard advertising, you must determine:

1) If the advertising on display violates the sign code in size and location.
2) How to file a complaint or report a violation, evidence such as dated cell phone photos or written complaint may be required. Many communities simply don’t have the resources to enforce the sign code, they rely on citizen complaints for compliance.

If your community does not regulate this form of low-height advertising, consider banning it entirely. A ban on just alcohol advertising by private businesses could be challenged as an unconstitutional restriction of speech. To avoid constitutional challenges, the ban should be of all bollard advertising or temporary signage, and not be based on the advertising content.

Are you ready to take action? Here is a sample template:

I saw bollard advertising for alcohol at this location on this day.

Location_____

Date_____

Photograph taken on _____

Determine which of these scenarios applies:

My municipal **sign code regulates or bans** temporary outdoor advertising

Citation (the ordinance number) _____

Limitations on temporary outdoor signs include (list):

_____

If existing signs violate the sign code, take steps to enforce the law as prescribed locally.

If your municipal sign code does not regulate temporary outdoor advertising, there are still things you can do:

If you see alcohol advertising on bollards in your community, use this as an opportunity to educate your City Council, Board of Trustees, or Town Council. For example, you can explain how data shows that youth exposure to alcohol advertising significantly increases youth alcohol consumption, and how a sign code can be used to reduce youth exposure.

For more information contact the Wisconsin Alcohol Policy Project
Comprehensive Injury Center, Medical College of Wisconsin
Please contact us for questions, technical assistance or training.
Maureen Busalacchi, Director, mbusalacchi@mcw.edu
Felice Borisy-Rudin, Policy Analyst, fborisyrudin@mcw.edu
https://www.mcw.edu/departments/comprehensive-injury-center/wi-alcohol-policy-project

WARNING AND DISCLAIMER: THE WISCONSIN ALCOHOL POLICY PROJECT PROVIDES TECHNICAL ASSISTANCE, TOOLS, AND TRAININGS. THE WISCONSIN ALCOHOL POLICY PROJECT DOES NOT PROVIDE LEGAL ADVICE, LEGAL COUNSEL, OR LEGAL REPRESENTATION. READING THE CONTENT PROVIDED BY THE WISCONSIN ALCOHOL POLICY PROJECT DOES NOT ESTABLISH AN ATTORNEY-CLIENT RELATIONSHIP. CONTACTING THE WISCONSIN ALCOHOL POLICY PROJECT OR PROVIDING IT OR ITS STAFF WITH INFORMATION DOES NOT ESTABLISH AN ATTORNEY-CLIENT RELATIONSHIP. IF YOU NEED LEGAL REPRESENTATION, YOU SHOULD CONSULT WITH YOUR OWN ATTORNEY.